

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TANYA HARVEY, )  
                      )  
Plaintiff,         ) Cause No: 4:15-CV-15-796  
                      )  
vs.                 ) Division No:  
                      )  
UNITED STATES OF AMERICA, )  
                      )  
Serve at:           )  
Honorable Loretta Lynch, Attorney General, )  
1350 Pennsylvania Ave., NW, #409         )  
Washington, DC 20004         )  
                      )  
Serve at:           )  
Honorable Richard G. Callahan, US Attorney )  
Thomas Eagleton U.S. Courthouse         )  
111 S. 10th Street, 20th Floor         )  
St. Louis, MO 63102         )  
                      )  
Defendant.          )

**PETITION FOR DAMAGES**

COMES NOW Plaintiff Tanya Harvey, by and through undersigned attorney, Rudman and Smith, L.L.C, and for her cause of action against Defendant United States of America for Defendant's agent Dr. Richard Strauthmann, states and alleges as follows:

**COUNT ONE**

1. This is an action arising under the Federal Tort Claims Act, U.S.C. §§ 2671 et seq. and in particular 28 U.S.C. § 2680(h) against the United States of America and other Defendants named infra as pendent parties pursuant to 28 U.S.C. § 1367. This Court is vested with jurisdiction pursuant to 28 U.S.C. § 1346(b). Venue is proper for the United States District Court, Eastern District of Missouri, 8<sup>th</sup> Circuit as the acts and/or omissions at issue in the

instant case as described infra occurred in this Judicial District pursuant to 28 U.S.C. § 1402(b).

2. On or about January 5, 2015, a proper claim for damage, injury or death (form 95) was filed with the Department of Health and Human Services, Office of the General Counsel with a demand amount of \$1,000,000.00.
3. On or about April 22, 2015, the Department of Health and Human Services, Office of the General Counsel issued a notice of final determination denying the claim for damage, injury or death.
4. Defendant United States of America acknowledged that Defendant's agent Dr. Richard Strauthmann was an agent who treated Plaintiff Harvey in the scope of his duties and therefore Defendant United States of America is a proper party and a private person would be liable in accordance with the law of the place where the act or commission occurred described infra herein.
5. Plaintiff Tanya Harvey at the relevant times to the instant case was forty-two years old and a resident of Saint Louis County, Missouri.
6. Defendant United States of America, Defendant's agent Dr. Richard Strauthmann (herein after "Defendant's agent Dr. Richard Strauthmann") is a health care provider who rendered medical services to Plaintiff Tanya Harvey, upon information and belief licensed in the state of Missouri to provide medical services in the State of Missouri at the time of the incident.
7. Plaintiff Tanya Harvey brings forth her claims against Defendant's agent Dr. Richard Strauthmann pursuant to the Federal Tort Claims Act Chapter 538 and other applicable Missouri law and her attorney files his affidavit simultaneously pursuant to RSMo 538.225

concerning a medical opinion obtained from a doctor familiar with the facts and circumstance of Plaintiff Harvey's care, the standard of care provided and said doctor of the same specialty as Defendant's agent Dr. Richard Strauthmann.

8. On or about January 15, 2013 and September 24, 2013, Plaintiff Tanya Harvey had medical procedures performed by Defendant's agent Dr. Richard Strauthmann at St. Mary's Hospital, located in the County of St. Louis, State of Missouri.
9. From the time Plaintiff Tanya Harvey was admitted to the St. Mary's Hospital, she was under the direct care of Defendant's agent Dr. Richard Strauthmann.
10. Defendant's agent Dr. Richard Strauthmann acting individually and by and through Defendant's agents, servants, and employees, was negligent in the following particulars to wit:
  - a. Defendant's agent Dr. Richard Strauthmann provided the Plaintiff care which fell outside of the standard of care for gynecology practices.
  - b. Defendant's agent Dr. Richard Strauthmann did not use proper care and that said care fell outside the standard of care for gynecology practice in that with the knowledge he had or should have had prior to and from the January 15, 2013 hysteroscopy procedure he should not have performed an endometrial ablation on January 15, 2013.
  - c. Defendant's agent Dr. Richard Strauthmann did not use proper care and that said care fell outside the standard of care for gynecology practice while performing an inappropriate myosure procedure on September 24, 2013.
  - d. Defendant's agent Dr. Richard Strauthmann failed to use such care as a reasonable prudent health care provider would have used under similar circumstances with

respect to the care and treatment of Plaintiff on January 15, 2013 and September 24, 2013 and that Defendant's agent Dr. Richard Strauthmann failure caused or contributed to Plaintiff's injuries and that failure directly caused to the damages Plaintiff, including medical damages, costs, and pain and suffering.

- e. Defendant's agent Dr. Richard Strathmann was negligent in that he did not properly monitor and/or manage fluids during the September 24, 2013 procedure he performed on Plaintiff Tanya Harvey.
- f. Defendant's agent Dr. Richard Strathmann failed to use such care as a reasonable prudent health care provider would have used under similar circumstances with respect to the care and treatment of Plaintiff and that Defendant's agent Dr. Richard Strauthmann failure caused or contributed to Plaintiff's injuries and that failure directly caused to the damages Plaintiff.

11. As a direct and proximate result of the negligence and carelessness of Defendant agent Dr. Richard Strathmann the Plaintiff was required to undergo two additional surgeries, experienced excessive bleeding and pain.

12. Plaintiff Harvey incurred compensatory damages, special damages, economic damages, physical damages, mental anguish, pain and suffering as a direct result of Defendant's agent Dr. Richard Strauthmann actions described supra and Plaintiff seeks all damages permissible under the Federal Tort Claims Act.

WHEREFORE, the premises considered, Plaintiff Tanya Harvey, prays judgment against Defendant Agent Dr. Richard Strauthmann in an amount that is fair and reasonable, in excess of Seventy-Five Thousand Dollars (\$75,000.00) and for her costs herein expended.

Respectfully submitted,

/s/ Douglas B. Rudman  
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